



CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
COUNCIL CHAMBERS**

**MONDAY, FEB 11TH, 2008
7:00 P.M.**

OPENING MATTERS

CALL TO ORDER

INVOCATION: Rev. Dr. Delishia Boykin Wilson, Bethel AME

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS AND PRESENTATIONS

Mayoral Proclamations:

Recognizing the Reading Chapter of the Pennsylvania Society of Engineers, accepted by Mr. Michael Hartman, P.E.

Proclaiming Peace Corps Week, accepted by Vinny Wickes.

PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or who shall become unruly while addressing Council may be called to order by the Presiding Officer, and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on an agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes.

No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's presentation. Citizens may not ask questions of Council member or other elected or public official in attendance.

APPROVAL OF AGENDA AND MINUTES

2. AGENDA: Council Meeting of February 11th, 2008

3. MINUTES: Council Meeting of January 28th

4. CONSENT AGENDA

Award of Contract- to Univar USA, 532 East Emaus Street, Middletown, PA 17057, who is the sole bidder, at a price of \$0.795/pound for approximately 80,000 pounds of Silicofluoride, for a total bid price of \$63,600.00. **(Purchasing)**

Award of Contract- to Univar USA, 532 East Emaus Street, Middletown, PA 17057, who is not the low bidder, at a price of \$1.094/gallon of Sodium Hypochlorite for a total bid of \$54,700. **(Purchasing)**

Award of Contract- to Carus Phosphates, Inc., 181 Woodlawn Avenue, Belmont, NC 2801, who is the low bidder, at a price of \$3.634pgallon for approximately 20,000 gallons, for a total bid of \$72,680.00. **(Purchasing)**

Award of Contract- to Delta Chemical Crop., 2601 Cannery Avenue, Baltimore, MD 21226, at a price of \$256.88/dry ton for approximately 1,500 dry tons, for a total bid of \$385,320.00. **(Purchasing)**

5. ADMINISTRATIVE REPORTS

6. FINANCE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

8. REPORTS FROM DIRECTORS & BOARDS AUTHORITIES AND COMMISSIONS

Report from Housing Authority Executive Director, Dan Luckey.

9. ORDINANCES FOR FINAL PASSAGE

Bill No. 09- amending the City of Reading Codified Ordinances Chapter 1 – Administration and Government, Section H Department Organization, Exhibit A – Purchasing Procedures, by adding a new Section 8.0 entitled Protection of Integrity in Government. **(Fuhs)** *Introduced at the 01/14/08 Regular Meeting of Council; tabled at the 01/28/08 meeting of Council pending further discussion.*

Bill No. 11- Increasing the salary for the Managing Director to \$118,820.64, retroactive to June 20, 2007. **(Mayor)** *Introduced at the 01/28/08 Regular Meeting of Council.*

Bill No. 12- Increasing the salary of the Fire Chief to \$73,771.17 per annum retroactive to January 1, 2008. **(Managing Director)** *Introduced at the 01/28/08 Regular Meeting of Council.*

Bill No. 13- Increasing the salary of the Finance Director to \$71,872.42 per annum retroactive to January 1, 2008. **(Managing Director)** *Introduced at the 01/28/08 Regular Meeting of Council.*

Bill No. 14- amending the City of Reading Codified Ordinances, Chapter 1, Section 1-120 Council Committees, by changing the name of the Administrative Oversight Committee to Administrative and Land Use Committee. **(Council Staff)** *Introduced at the 01/28/08 Regular Meeting of Council; discussed at the 01/28/08 Committee of the Whole Meeting.*

Bill No. 15- amending the City of Reading Codified Ordinances Fee Schedule by adding fees for the printing or copying of maps. **(Council Staff/Traffic Engineering)** *Introduced at the 01/28/08 Regular Meeting of Council.*

Bill No. 16- amending the City of Reading Codified Ordinances by adding to Chapter 10 – Health and Safety the Health and Safety Inspection Ordinance and requiring the inspection of all Residential and Mixed Commercial and Residential properties within the City of Reading. **(Solicitor/Council Staff)** *Discussed at the 01/21/08 Council Workshop; reintroduced at the 01/28/08 Regular Meeting of Council.*

10. INTRODUCTION OF NEW ORDINANCES

Ordinance- an Ordinance amending the Codified Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 1 Administration and Government, Part 1 Administrative Code, H. Department Organization, Section 1-182 Chart, by making the following adjustments: placing the office of Information Technology under the Finance Department; placing the Citizens Call Center under the Finance Department placing the office of Neighborhood Development under the Police Department; placing Code Services and Zoning enforcement under the Police Department and defining the reporting relationship of Municipal Authorities. **(Solicitor)**

Ordinance- authorizing the Mayor to execute documents to effectuate the transfer of ownership of premises known as 1019-1021 Penn Street, 1016, 1022 and 1028 Court Street from St. Joseph Hospital to the City of Reading. **(Solicitor)**

Ordinance- amending the Codified Ordinances of the City of Reading by adding to Chapter 10- Health and Safety, by creating Part 15 – The Regulation and Limitation of Portable Home Storage Units. **(Council Staff)**

Ordinance- an Ordinance amending the City of Reading Codified Ordinances Fee Schedule, by increasing Park and Recreation fees. **(Council Staff/Public Works)**

Ordinance- amending the City of Reading Codified Ordinances, Chapter 6 – Conduct, by creating a new Part 8- Solicitation, requiring a permit for solicitation and canvassing to protect the safety, health and welfare of those who live and visit the City of Reading. **(Council Staff)**

Ordinance- increasing the salary of the City Solicitor to \$68,002 per annum. **(Managing Director)**

Ordinance- amending Section 1-271 of the City of Reading Personnel Code, by amending the salary range for the Chief of Police. **(Managing Director)**

Ordinance- increasing the salary of the Police Chief to \$108, 957.00 per annum. **(Managing Director)**

Ordinance- an Ordinance providing a cost of living increase to Officers and Employees Pensioners retiring before 2002. **(O&E Pension Board/Pension Coordinator/Council Staff)**

11. RESOLUTIONS

Resolution No. 11- authorizing the Mayor of the City of Reading to file an application for “RACP” fund in the amount of \$7.0 million for the “Goggle Works Apartments”. **(Community Development)**

Resolution No. 13- authorizing the assumption of outstanding loan balance for the Medical Arts Building. **(Community Development/Solicitor)**

PUBLIC COMMENT – GENERAL MATTERS

COUNCIL BUSINESS / COMMENTS

COUNCIL MEETING SCHEDULE

Committee of the Whole- Mon, February 11th, Council Office 5:00p.m.

Regular Meeting- Mon, February 11th, Council Chambers 7:00p.m.

Meeting with the Mayor- Mon, February 11th, Mayor’s Office 4:00p.m.

Meeting with the School Board- Tue, February 12th, School Board Conference Room, 6:00p.m.

Meeting with the Mayor- Tue, February 19th, Mayor’s Office 4:00p.m.

Public Works Committee Meeting- Tue, February 19th, Council Office, 5:30p.m.

Public Safety Committee Meeting- Tue, February 19th, Council Office, 5:30p.m.

Work Session- Mon, February 18^d, Penn Room, 7:00p.m.

BAC AND COMMUNITY GROUP MEETING SCHEDULE

Tuesday, February 12th:

Airport Authority, Reading Regional Airport, 8:00a.m.

RAWA Workshop, Penn Room, 4:00p.m.

Planning Commission, Penn Room, 7:00p.m.

Bethany Area Neighborhood Organization, Bethany Baptist Church, 7:00p.m.

District 11 Crime Watch, Orthodox Presbyterian Church, 7:00p.m.

Wednesday, February 13th:

Zoning Hearing Board, Penn Room, 5:30p.m.

Center City Community Organization, Holy Cross Church, 6:00p.m.

Greenwich Seed, Hope Lutheran Church, 6:30p.m.

Thursday, February 14th:

Police Pension Board, Penn Room, 10:00a.m.

Southeast Community Council, Amanda Stoudt Elementary

Friday, February 15th:

Fire Pension Board, Penn Room, 10:00a.m.

Monday, February 18th:

Library Board Meeting, 113 S. 4th St, 4:00p.m.

Tuesday, February 19th:

Council of Neighborhoods, 11th and Pike Rec Center, 7:30p.m.

Historic Architecture Review Board, Planning Conference Room, 7:30p.m.

Wednesday, February 20th:

Officer and Employees Pension Board, Penn Room, 1:30p.m.

Redevelopment Authority, Planning Conference Room, 5:30p.m.

Community Hope of the 6th Ward, Lauer's Park Elementary, 6:30p.m.

UNO, Hampden Mennonite Church, 7:00p.m.

Center Park Historic District, 7:30p.m. (note: this meeting is held at a different location each month)

Thursday, February 21st:

Convention Center Authority, Sovereign Center CEI Lounge, 7:00a.m.

Southeast People's Voice, St. John's UCC, 6:00p.m.

Mulberry & Green Citizens Committee, St. Luke's Lutheran Church, 6:30p.m.



AGENDA MEMO

FINANCE DEPARTMENT

TO: City Council
FROM: Heather Dunkle, Purchasing Coordinator
PREPARED BY: Heather Dunkle, Purchasing Coordinator
MEETING DATE: February 11, 2008
AGENDA MEMO DATE: February 5, 2008
RECOMMENDED ACTION: Awarding of Contract for Sodium Silicofluoride for the City of Reading, on behalf of the Reading Area Water Authority.

RECOMMENDATION

The recommendation is to award the contract to Univar USA, 532 East Emaus Street, Middletown, PA 17057, who is the sole bidder, at a price of \$0.795/pound for approximately 80,000 pounds, for a total bid price of \$63,600.00.

BACKGROUND

Bids for approximately 80,000 pounds of sodium silicofluoride for use by the Reading Area Water Authority were received January 8, 2008.

A copy of the Schedule of Bids is attached for your review.

BUDGETARY IMPACT

The Water Authority has confirmed there are sufficient funds in budget account code 50-15-84-4513 with \$354,348.27 remaining after the contract funds are encumbered.

PREVIOUS ACTION

None.

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the February 11, 2008 meeting.

RECOMMENDED BY

Mayor, Managing Director, Reading Area Water Authority Executive Director, Finance Director, and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation to award the contract to Univar USA for the purchase of Sodium Silicofluoride.



AGENDA MEMO

FINANCE DEPARTMENT

TO: City Council
FROM: Heather L. Dunkle, Purchasing Coordinator
PREPARED BY: Heather L. Dunkle, Purchasing Coordinator
MEETING DATE: February 11, 2008
AGENDA MEMO DATE: February 5, 2008
RECOMMENDED ACTION: Awarding of Contract for Sodium Hypochlorite for the Department of Public Works, City of Reading.

RECOMMENDATION

The recommendation is to award the bulk portion of the contract to Univar USA, 532 East Emaus Street, Middletown, PA 17057, who is not the low bidder, at a price of \$1.094/gallon for a total bid of \$54,700. It is not suggested to award this contract to the low bidder due to past problems experienced with reliability and quality. The tote portion of this contract will not be awarded as the Wastewater Treatment Plant does not use the totes.

BACKGROUND

Bids for Sodium Hypochlorite for use by Department of Public Works were received January 8, 2008.

A copy of the Schedule of Bids is attached for your review.

BUDGETARY IMPACT

The Department of Public Works and Accounting have confirmed that funds sufficient for this contract have been included in the 2008 Budget in Account Code 54-07-44-4513, with \$692,180 remaining once contract funds are encumbered.

PREVIOUS ACTION

None.

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the February 11, 2008, meeting.

RECOMMENDED BY

Mayor, Managing Director, Directors of Finance and Public Works, and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation to award part of the contract to Univar USA for the purchase of Sodium Hypochlorite.

BILL NO. _____-2008

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 1 – ADMINISTRATION AND GOVERNMENT, SECTION H DEPARTMENT ORGANIZATION, EXHIBIT A – PURCHASING PROCEDURES, BY ADDING A NEW SECTION 8.0 ENTITLED PROTECTION OF INTEGRITY IN GOVERNMENT AND RENUMBERING ACCORDINGLY.

WHEREAS, large political contributions from those seeking or currently performing business with the City, raise reasonable concerns on the part of taxpayers and residents as to their trust in government contracts; and

WHEREAS, it has become common for individuals/entities to make substantial political contributions to persons holding elective City office who are ultimately responsible for awarding professional service contracts which are not subject to public bidding; and

WHEREAS, in the interest of good government, the City desires to set maximum amounts that professional business entities may contribute politically beyond which they become ineligible to receive a contract from the City; and

WHEREAS, the City governing body has determined that the flow of excess political contributions into the City of Reading from sources located outside the City of Reading could contribute to a corrupting influence on the political process in the City of Reading; and

WHEREAS, the governing body of the City of Reading desires to curb process known as wheeling by placing limits on the amounts of political contributions that a candidate for elective City office may receive;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Reading as follows:

Section 8.1. Definition of Terms

The terms listed below shall have the following meanings for purposes of this ordinance:

Professional Business Entity – a “professional business entity” means an individual including the individual’s spouse, if any, and any child living at home; person; firm; corporation; Professional Corporation; partnership; organization; or association. The definition of a professional business entity includes all principals who own 10% or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the professional business entity.

Section 8.2. Prohibition on Awarding Public Contracts to Certain Contributors

- (a) To the extent that it is not inconsistent with State or Federal Law, the City of Reading or any of its purchasing agents, departments or instrumentalities of the City thereof, as the case may be, will not enter into any agreement or otherwise contract to procure professional, banking, insurance coverage service or any other consulting services provided by a licensed professional, including those awarded pursuant to any process including a fair and open process, if such professional business entity has solicited or made any contribution of money or pledge of a contribution, including in-kind contributions to (i) any campaign committee of any candidate for elective City office or to the current holders of any elective City office, or (ii) to any City of Reading party committee or (iii) to any municipal party committee within the City of Reading, or (iv) to any candidate committee, state, or county political party or any Political Action Committee (PAC) that is engaged in the financial or in kind support of candidates for elective City of Reading offices, City elections and/or City of Reading political parties in excess of the threshold specified in subsection (c) within one calendar year immediately preceding the date of the contract or agreement.
- (b) No professional business entity who submits a proposal for; enters into negotiations for or agrees to any contract or agreement including those awarded by a “fair and open process” for the rendition of professional services as the case may be, shall knowingly solicit or make any contribution of money, pledge of contribution, including in kind contributions to: (i) any campaign committee of any candidate for elective City office or to the current holder of any elective City office or (ii) to any City of Reading party committee or (iii) to any municipal party committee within the City of Reading or (iv) to any candidate committee, state or county political party or Political Action Committee (PAC) that is engaged in the financial or in kind support of candidates for the City of Reading elective City office, City elections and/or City of Reading political parties

between the time of first communication between that professional business entity and the City regarding a specific professional services agreement and the latter of the termination of negotiation or rejection of any proposal or the completion of the contract or agreement.

- (c) Anyone meeting the definition of “professional business entity” under this section may annually contribute a maximum of \$300 each or up to the amount of reportable contributions as may from time to time be established by State or Federal Law for any purpose to any candidate for elective City office or current office holder, or \$500 to any City of Reading party committee, or municipal party committee within the City of Reading, or to a single or joint campaign account of a candidate committee, state or county political party or PAC referenced in this ordinance without violating subsection (a) of this section. However, any group of individuals meeting the definition of “professional business entity” under this section, including such principals, partners, and officers of the entity in the aggregate, may not annually contribute for any purpose in excess of \$2,500 to all candidates for elective City offices and to officeholders with ultimate responsibility for the award of the contract, and all City and state political parties, municipal party committees within the City of Reading and PACs referenced in this ordinance combined, without violating subsection (a) of this section.
- (d) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be:
 - (1) The Council of the City of Reading, if the contract requires approval as provided for by the established purchasing policies of the City of Reading.

Section 8.3. Contributions Made Prior to the Effective Date

No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any candidate for elective County office or to any county party committee, municipal party committee, state or City political party, candidate committee or PAC referenced in this ordinance shall be deemed a violation of this section, nor shall an agreement for property of any kind whatsoever, be disqualified thereby, if that contribution was made by the professional business entity prior to the effective date of this ordinance. The disclosure requirements of this ordinance shall not apply to contracts awarded subsequent to the effective date if the Request for Proposal process was initiated prior to the effective date.

Section 8.4. Contribution Statement by Professional Business Entity

- (a) Prior to awarding any contract or agreement to procure services, including but not limited to banking, insurance service or other professional type services, the City or any of its purchasing agents or agencies shall receive a sworn statement from the professional business entity under penalty of perjury that the entity has not made a contribution in violation of section 8.2 of this ordinance. This statement shall be in addition to the disclosure requirements as required by applicable State and Federal law.

The professional business entity under penalty of perjury will make the statement that it has not knowingly made a contribution in violation of the ordinance hereof and has not made or solicited contributions through intermediaries, third parties, immediate relatives, or Political Action Committees for the purpose of concealing the source of the contribution. A professional business entity that files an incorrect Public Disclosure Statement will have its contract with the City of Reading declared null and void and will be disqualified from being awarded any contract for a period of four (4) years.

- (b) Ten days prior to awarding any contract or agreement to procure Professional Services with any professional business entity, including those awarded pursuant a “fair and open process”, the City or its purchasing agent or agencies, as the case may be, shall receive a completed City of Reading Public Disclosure Statement form and provide that for public review at the City Clerk’s office. The City of Reading Public Disclosure Statement shall list all of the political contributions by the professional business entity to any State, City or municipal committee of a political party; any legislative leadership committee; or any candidate committee of a candidate for, or holder of, an elective office of the City of Reading; or of another elective office within the City of Reading; or of a legislative district which includes all or part of the City of Reading; or any continuing political committee for a period of 12 months prior to the contract year being entered into, noting the candidate or campaign committee, the amount and date, and the nature of the contribution.
- (c) The professional business entity shall have a continuing duty to report any violations of this ordinance that may occur during the negotiation or duration of a contract. The certification required under this subsection shall be made prior to entry into the contract or agreement with the City and shall be in addition to any other certifications that may be required by any other provision of law. At a minimum, completion of the Public Disclosure Statement will be an annual requirement of the professional business entity.

Section 8.5. Return of Excess Contributions

A professional business entity may cure a violation of Section 8.2 of this ordinance, if within 30 days after the date on which the applicable ELEC report is published, the professional business entity notifies the City Council in writing that they will be seeking and receiving reimbursement of a contribution from the relevant candidate for elective City office or the office holder, or candidate committee, state or City political party or PAC reference in this ordinance.

Section 8.6. Exemption

The contribution limits specified within this ordinance do not apply to contracts awarded pursuant to a public bid or competitive contract process pursuant to State law or to those contracts awarded as emergency contracts when the public exigency requires the immediate emergency services as determined by resolution of the City Council after finding those facts which support a conclusion of imminent danger to the health and welfare of the City of Reading citizenry.

Section 8.7. Penalty

- (a) It shall be a breach of the terms of the City professional services agreement for a professional business entity to: (i) make or solicit a contribution in violation of this ordinance; (ii) knowingly conceal or misrepresent a contribution given or received; (iii) make or solicit contribution through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv) make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee of any candidate or holder of any elective City office; (v) engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the business entity itself, would subject that entity to the restrictions of this ordinance; (vi) fund contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engage in any exchange of contributions to circumvent the intent of this ordinance; or (viii) directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this ordinance. The purpose and intent of the aforementioned prohibition is to prevent entities from circumventing the requirements of this ordinance by working or operating with or through third parties.
- (b) Furthermore, any professional business entity who violates Section 8.7(a)(ii-viii) shall be disqualified from eligibility for future City contracts for a period of four calendar years from the date of the violation.
- (c) Any professional business entity who violates section 8.7(a)(i) shall have its contract with the City of Reading declared null and void at the option of

the governing body, unless the violation is cured as provided for in Section 8.5.

Section 8.8. Prohibition Against Candidate Receipt of Certain Contributions

- (a) No candidate or candidate committee for any elective City office in the City of Reading shall accept a contribution from a county committee of a political party, other than the county committee of the county in which the candidate or candidates reside, in excess of \$2,600 per election.
- (b) No candidate or candidate committee for any elective City office in the City of Reading shall accept any monetary or in-kind contribution in excess of \$2,600 per election, directly or indirectly, from a county political party committee if such county political party committee has received any contribution in excess of \$2,600 at any time during the preceding twelve months from a county political party committee, a municipal political party committee, a candidate committee, a continuing political committee, or a PAC organized under § 527 of the Internal Revenue Code, located outside of Berks County.
- (c) No candidate or candidate committee for any elective City office in the City of Reading shall accept a contribution from a state political party in excess of \$2,600 per election.
- (d) No candidate or candidate committee for any elective City office in the City of Reading shall accept a contribution from a legislative leadership committee in excess of \$2,600 per election.
- (e) No candidate or candidate committee for any elective City office in the City of Reading shall accept a contribution from a continuing political committee or PAC organized under § 527 of the Internal Revenue Code in excess of \$2,600 per election.
- (f) No candidate or candidate committee for any elective City office in the City of Reading shall accept a contribution from another candidate committee, other than from a candidate committee located in at least part of the City of Reading, in excess of \$2,600 per election.
- (g) No candidate or candidate committee for any elective City office in the City of Reading shall accept a contribution from a municipal political party committee, other than a municipal political party committee of a municipality located in the City of Reading, in excess of \$2,600 per election.
- (h) No candidate or candidate committee for any elective City office in the City of Reading shall accept any monetary or in-kind contribution, in excess of

\$2,600 per election, directly or indirectly, from a municipal political party committee located in the City of Reading, if such municipal political party committee has received any contribution in excess of \$2,600 at any time during the preceding twelve months from a county political party committee, a municipal political party committee, a candidate committee, a continuing political committee, or a PAC organized under § 527 of the Internal Revenue Code, located outside of Berks County.

- (i) Any candidate or candidate committee for elective City office in the City of Reading who has taken contribution in excess of those outlined in Section 8.8(a)-(h) of this Ordinance shall be subject to a fine of up to \$500 per violation for a first offense and up to \$500 per violation and/or 30 days in the county jail for a subsequent offense. Enforcement of this ordinance shall be brought by a citizen complaint which may be filed in any court with jurisdiction over the alleged violator.

Section 9.9. Incorporation by Reference

- (a) The regulatory and penalty provisions of this Ordinance shall be incorporated by reference into all City of Reading contracts for professional services and extraordinary unspecifiable services.

Section 10.9. Severability and Effectiveness Clause:

- (a) If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.
- (b) Any ordinance inconsistent with the terms of this ordinance is hereby repealed to the extent of such inconsistency.

Section 11.9. Effective Date:

This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.



AGENDA MEMO

MAYOR'S OFFICE

TO: President Spencer and Members of the City Council

FROM: Thomas McMahon, Mayor

MEETING DATE: January 28, 2008

AGENDA MEMO DATE: January 11, 2008

RECOMMENDED ACTION: To approve an Ordinance presented by the Mayor relating to the annual salary for Leon Churchill, Managing Director for the City of Reading.

RECOMMENDATION:

It is the recommendation of this Administration to increase the salary for the Managing Director to \$118,820.64, as of the anniversary date of Leon Churchill's appointment as the Managing Director for the City of Reading. The performance evaluation supporting this recommended action was conducted as per our City Ordinance No. 22-2002, which provides for a performance review of department heads to be completed by the Mayor.

BACKGROUND:

Mr. Churchill has performed and completed numerous projects last year. They are:

- Reorganized the Human Relations Office
 - Redesigned procedures
 - Made appropriate staffing changes
- Ended FY 2006 with \$8.4 million surplus
 - Customer Service Center created
 - Zoning upgraded
- Began FY 2008 process with Strategic Planning Process
 - Included City Council with consensus
- Collaborated on funding program for Central Pennsylvania African American Museum

- Led redesign of housing permitting process, creation of expedited process
- Restructured risk management program resulting in \$350,000 in annual savings
- Led negotiations with Fraternal Order of Police
 - Restructured Police Department that led to more officers on patrol
 - Consolidated prisoner intake
 - Created performance bonus system
 - FOP contributes to health insurance costs
- Led negotiations with the AFSCME
 - Gainsharing program introduced
 - Created savings for City while enhancing benefits for employees
- Designed Blighted Property Review Process
- Led guaranteed energy savings program
- Speaker at Fire-Rescue International 2007 and Forum 2007
- Spearheaded numerous financial transactions (9) that generated near \$9 million and cost the City \$240,000.
- Reorganized legal services for the City
- Led security camera procurement process
 - Identified funding sources

BUDGETARY IMPACT:

This amount is available in the City's General Fund for \$3,460.80.

B I L L N O. _____

AN ORDINANCE

AN ORDINANCE INCREASING THE SALARY OF THE MANAGING DIRECTOR, R. LEON CHURCHILL, JR., IN ACCORDANCE WITH SECTION 706. OF THE CITY OF READING HOME RULE CHARTER AND BILL NO. 22-2002 WHICH ESTABLISHED A PROCEDURE FOR CITY COUNCIL TO PROVIDE ANNUAL INCREASES TO THE CITY'S DEPARTMENT DIRECTORS.

WHEREAS, R. Leon Churchill, Jr. was confirmed, by City Council, as the City's Managing Director on June 20, 2004; and

WHEREAS, City Council passed Bill No. 22-2002, on June 24, 2002, which states that a Department Director shall receive an annual salary adjustment based upon a performance evaluation; and

WHEREAS, R. Leon Churchill, Jr. received a performance evaluation which is satisfactory, meeting motivational standards, he is entitled to a salary increase to \$118,820.64 (3%).

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. COMPENSATION.

The salary of the R. Leon Churchill, Jr., shall be increased to \$118,820.64 per annum retroactive to June 20, 2007.

SECTION 2. REPEALER.

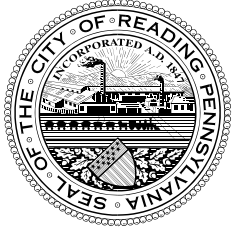
All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE.

This ordinance shall become effective 10 days after its adoption in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2008

President of Council



AGENDA MEMO MANAGING DIRECTOR

TO: President Spencer and City Council

FROM: Leon Churchill, Managing Director

MEETING DATE: January 28, 2008

AGENDA MEMO DATE: January 18, 2008

RECOMMENDED ACTION:

To approve an Ordinance presented by the Administration relating to the annual salary for William H. Rehr, III, Fire Chief, for the City of Reading.

RECOMMENDATION:

It is the recommendation of this Administration to increase the salary for the Fire Chief to \$73,771.17, a four (4%) percent increase, effective January 1, 2008. The performance evaluation supporting this recommended action was conducted as per our City Ordinance No. 22-2002, which provides for a performance review of department heads to be completed by the Managing Director.

BACKGROUND:

It is this Administration's position to make the salary level for all department directors as equitable and fair as possible.

Chief Rehr worked with the Fire Civil Service Board to create a new entry-level hiring list which resulted in the hiring of ten (10) new firefighters. He also worked with the Civil Service Board to implement a new fire officer promotional list. He secured an alternate site to Schlegel Park at 101 Lancaster Avenue for a new Southwest Fire Station.

The Fire Department appointed a new Diversity Officer in compliance the Courtney Horne court award.

BUDGETARY IMPACT:

The 4% increase amounts to \$2,837.35. Funds are available in the City's General Fund in the Fire Department budget.

PREVIOUS ACTION:

Not applicable.

SUBSEQUENT ACTION:

Not applicable.

RECOMMENDED BY:

The Mayor and Managing Director

RECOMMENDED MOTION:

To increase the present salary of the Fire Chief to \$73,771.17.

BILL NO. _____

AN ORDINANCE

AN ORDINANCE INCREASING THE SALARY OF THE FIRE CHIEF, WILLIAM H. REHR, III, IN ACCORDANCE WITH SECTION 706. OF THE CITY OF READING HOME RULE CHARTER AND BILL NO. 22-2002 WHICH ESTABLISHED A PROCEDURE FOR CITY COUNCIL TO PROVIDE ANNUAL INCREASES TO THE CITY'S DEPARTMENT DIRECTORS.

WHEREAS, William H. Rehr, III was confirmed, by City Council, as the City's Fire Chief on August 26, 1996; and

WHEREAS, City Council passed Bill No. 22-2002, on June 24, 2002, which states that a Department Director shall receive an annual salary adjustment based upon a performance evaluation; and

WHEREAS, William H. Rehr, III, received a performance evaluation which is satisfactory, meeting motivational standards, he is entitled to a salary increase to \$73,771.17 (4%), in accordance with the IAFF Contract Agreement.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. COMPENSATION.

The salary of the William H. Rehr, III, shall be increased to \$73,771.17 per annum retroactive to January 1, 2008.

SECTION 2. REPEALER.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE.

This ordinance shall become effective 10 days after its adoption in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2008

Attest:

City Clerk

President of Council



AGENDA MEMO MANAGING DIRECTOR

TO: President Spencer and Members of the City Council

FROM: Leon Churchill, Managing Director

MEETING DATE: January 28, 2008

AGENDA MEMO DATE: January 18, 2008

RECOMMENDED ACTION:

To approve an Ordinance presented by the Administration relating to the annual salary for Ryan Hottenstein, Finance Director, for the City of Reading.

RECOMMENDATION:

It is the recommendation of this Administration to increase the salary for the Finance Director to \$71,872.42 (5%) percent increase, effective upon his anniversary date. The performance evaluation supporting this recommended action was conducted as per our City Ordinance No. 22-2002, which provides for a performance review of department heads to be completed by the Managing Director.

BACKGROUND:

It is this Administration's position to make the salary level for all department directors as equitable and fair as possible.

Mr. Hottenstein helped in settling the four interest rate swaps which netted the City over \$8 million. The Finance Department also has increased its tax collections over the past year.

Mr. Hottenstein helped in the restructuring of the City organization. The Pension Bond had good timing which netted the City more of a capital gain.

BUDGETARY IMPACT:

The increase amounts to \$3,422. Funds are available in the City's General Fund in the Finance Department budget in various accounts.

PREVIOUS ACTION:

Not applicable.

SUBSEQUENT ACTION:

Not applicable.

RECOMMENDED BY:

The Mayor and Managing Director

RECOMMENDED MOTION:

Increase the present salary of the Finance Director to \$71,872.42.

BILL NO. _____

AN ORDINANCE

AN ORDINANCE INCREASING THE SALARY OF THE FINANCE DIRECTOR, RYAN HOTTENSTEIN, IN ACCORDANCE WITH SECTION 706. OF THE CITY OF READING HOME RULE CHARTER AND BILL NO. 22-2002 WHICH ESTABLISHED A PROCEDURE FOR CITY COUNCIL TO PROVIDE ANNUAL INCREASES TO THE CITY'S DEPARTMENT DIRECTORS.

WHEREAS, Ryan Hottenstein was confirmed, by City Council, as the City's Finance Director on December 19, 2005; and

WHEREAS, City Council passed Bill No. 22-2002, on June 24, 2002, which states that a Department Director shall receive an annual salary adjustment based upon a performance evaluation; and

WHEREAS, Ryan Hottenstein received a performance evaluation which is satisfactory, meeting motivational standards, he is entitled to a salary increase to \$71,872.42 (5%).

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. COMPENSATION.

The salary of the Ryan Hottenstein shall be increased to \$71,872.42 per annum retroactive to January 1, 2008.

SECTION 2. REPEALER.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE.

This ordinance shall become effective 10 days after its adoption in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2008

Attest:

President of Council

City Clerk

BILL NO.____2008
AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED
ORDINANCES OF THE CITY OF READING CHAPTER 1, SECTION 1-120
COUNCIL COMMITTEES BY CHANGING THE NAME OF THE
ADMINISTRATIVE OVERSIGHT COMMITTEE TO ADMINISTRATIVE AND
LAND USE COMMITTEE

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 1, Section 1-120 Council Committees as follows:

2. Committees of Council may include:
 - A. Finance, to include community development funds, capital improvements, audits and budget.
 - B. Public Property/Public Works to include parks, buildings, vehicles, streets and sewage.
 - C. Public Safety to include fire, police, codes, health and traffic.
 - D. Administrative *and Land Use* Oversight to include legal, ~~and~~ personnel, *housing, zoning, planning and other related land use issues.*
 - E. Research Committee to research issues requested by Council.
 - F. Rules Committee to establish rules of conduct for Council.

SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted_____, 2008

President of Council

Attest:

City Clerk

BILL NO. _____-2008
AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES FEE SCHEDULE BY ADDING THE FEE FOR THE PRINTING OR COPYING OF A PLAN OR A MAP.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading Codified Ordinances Fee Schedule, Public Records Fee Section, by adding a fee for the printing or copying of a plan or a map as follows:

- A. All persons requesting a printed original or photocopied plan or map not more than 24" x 36" in size shall be charged a fee of \$3 each.
- B. All persons requesting a printed original or photocopied plan or map 24" x 36" or larger shall be charged a fee of \$5 each.

SECTION 2. This Ordinance shall become effective ten (10) days after its adoption and approval by the Mayor, or override of the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted _____, 2008

President of Council

Attest:

City Clerk

(Pub. Works Engineering Div. & Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____ 2007

AN ORDINANCE

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF READING BY ADDING TO CHAPTER 10 – HEALTH AND SAFETY THE HEALTH AND SAFETY INSPECTION ORDINANCE AND REQUIRING THE INSPECTION OF ALL RESIDENTIAL AND MIXED COMMERCIAL AND RESIDENTIAL PROPERTIES WITHIN THE CITY OF READING AFTER ANY SALE OR TRANSFER OF THE PROPERTY.

WHEREAS, substandard and deteriorated properties have had a detrimental effect upon the safety and stability of City neighborhoods, creating environmentally undesirable and detrimental conditions that risks the health, safety and well being of City residents and neighboring communities; and

WHEREAS, improving the safety and stability of all City neighborhoods through periodic inspection of all residential and mixed commercial and residential properties, in the City to ensure that such premises conform to standards of Health and Safety for habitation of the properties; and

WHEREAS, inspection of all residential and mixed commercial and residential properties, in the City as established by this ordinance, will protect occupants from dangerous and substandard environments and will create neighborhood stability that will improve the quality of life and a desirable community for all people who live and work in the City of Reading.

THEREFORE THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the Codified Ordinances of the City of Reading by adding to Chapter 10 - Health and Safety the Health and Safety Inspection Ordinance which requires the inspection of all residential and mixed residential and commercial properties, as attached in Exhibit A.

SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter

EXHIBIT A

PART 12 HEALTH AND SAFETY INSPECTION ORDINANCE

§10-1200. Declaration of Purpose. The City Council finds that the establishment of a periodic inspection program for all City residential and mixed residential / commercial properties, residential, is necessary to protect the public health, safety, and welfare by ensuring the proper maintenance of all City buildings, by identifying and requiring correction of substandard conditions, and by preventing conditions of deterioration and blight that could adversely affect economic conditions and the quality of life in the Reading.

§10-1201. Definitions.

AGENT - any person who for monetary or other consideration aids a seller in the sale of property. Whenever used in any clause prescribing or imposing a penalty, the term "agent," as applied to partnerships and associations, shall mean the partners or members thereof and, as applied to corporations, the officers thereof. Liability shall be limited to failure to notify the seller of the obligations imposed by this Part.

AGREEMENT - written agreement or written instrument executed by the buyer at time of transfer of the property which provides the City with the ability to perform a Health and Safety Inspection.

BUYER - an individual who acquires legal or equitable title pursuant to an agreement of sale.

CERTIFICATE OF OCCUPANCY – the certificate issued by the City of Reading to the owner of a building indicating that the building or property is authorized to be utilized for the existing use.

CITY INSPECTOR - an employee or contractor engaged by the City of Reading to do, among other things, health and safety inspections.

CODE COMPLIANT LETTER – a letter or document issued by the City of Reading Codes Enforcement Division upon finding and stating compliance with the applicable City of Reading Codified Ordinances following performance of an inspection.

CODES OFFICE - City of Reading Codes Enforcement Division.

CORRECTIVE DIRECTION or ORDER- a written notice issued by the Codes Enforcement Division directing any repair or remediation, corrective or other action relating to any deficiencies as set forth in a report which may include a time frame within which any such action must be taken.

DEFICIENCIES - those items indicated on a health and safety inspection report which require repair, remediation or corrective action and/or are hazardous conditions.

DWELLING UNIT or UNIT - a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

HEALTH AND SAFETY COMPLIANCE LETTER – A letter, correspondence or document issued by the City of Reading Codes Enforcement Division stating that the requirements of this Ordinance and the minimum habitability requirements set forth herein have been satisfied and any founded deficiencies have been corrected.

HEALTH AND SAFETY INSPECTION - an inspection to determine the condition of a property in accordance with such standards of minimum habitability and safety as shall be determined by the Codes Enforcement Division.

HEALTH AND SAFETY INSPECTION REPORT - a report issued by a City Inspector setting forth the results of a Health and Safety Inspection which shall include the designation of such conditions as shall require repair or remediation and any hazardous conditions for the current use of the property.

INDIVIDUAL - Any person, partnership, association, corporation or other entity.

INSPECTION REQUEST- A request for performance of a Health and Safety Inspection other than an agreement submitted by a buyer at the time of transfer of the property.

MIXED COMMERCIAL / RESIDENTIAL PROPERTY – A property, building or structure in which part is used for residential purposes, living, and another part is utilized for commercial purposes. Also referred to as Mixed Residential / Commercial Property or Mixed Use – Commercial / Residential or Mixed Use – Residential / Commercial.

MULTI-UNIT DWELLING - A building arranged, designed, and intended to provide two (2) or more dwelling units. Individual dwelling units may share party walls with other units and either have common outside access areas or have individual outside access areas. Types of such buildings shall include, but shall not be limited to, townhouses, apartments, and/or condominiums.

PROPERTY – all residential and mixed residential / commercial buildings, structures or property within the City of Reading, any and all building or other improvement(s) and the land on which the buildings and improvements are situated. .

REHAB PLAN – a plan submitted to the Codes Enforcement Division outlining the strategy and work including time frames to cure, correct, abate or remediate deficiencies identified in the Health and Safety Inspection Report in the dwelling unit beyond the time period provided for in the Report and requesting an extension of time to cure such deficiencies.

REPORT ACKNOWLEDGEMENT - a written document acknowledging receipt of the Health and Safety Inspection Report and responsibility to correct any deficiencies set forth in the report.

SALE - the transfer of any legal or equitable interest in or title to property, including exchanges of properties

SELLER - the owner of the property that will be transferred or sold.

SETTLEMENT – the culmination of a particular transaction involving real property which results in the transfer or conveyance of a property from one party to another.

SINGLE FAMILY DWELLING – a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. A single unit may be incorporated within a series of row homes sharing a common fire wall. Types of such buildings shall also include mobile and modular units.

§10-1202. Health and Safety Inspection Required.

A Health and Safety Inspection shall be completed in accordance with the provisions of this Part within six (6) months of the settlement or transfer of any residential or mixed residential / commercial real estate property within the City of Reading, except solely where the sale occurs within six (6) months of the date of issuance of a Health and Safety Compliance letter.

§10-1203 Inspection Procedure

1A. At settlement or at time of transfer of the property the buyer shall sign an agreement on a form prepared and provided (available) by the City of Reading Codes Enforcement Division that will initiate the inspection of the residential or mixed commercial / residential property. It shall be the responsibility of the buyer to ensure that a copy of this agreement is mailed to the City of Reading Codes Enforcement Division.

1B. A seller may request the performance of a Health and Safety Inspection prior to, as part of or during the selling of his residential or mixed commercial / residential property. To commence a Health and Safety Inspection prior to settlement or transfer of property, the seller should submit a request to the City of Reading Codes Enforcement Division on a form prepared and provided by the Codes Enforcement Division.

2. The Codes Enforcement Division shall, within fifteen (15) business days from the receipt of the agreement or inspection request from the property owner, shall schedule an inspection of the residential or mixed commercial / residential real estate property. The inspection shall be performed no later than thirty (30) days from receipt of the agreement or inspection request.

3. An inspection of the property shall be performed to determine compliance with minimum standards and requirements as listed below; however, these minimum

standards shall not be limited to other significant safety hazards that may be identified by the inspector during the inspection:

- Each dwelling unit must have an operational (working) smoke detector installed in all common areas, including the basement, every designated bedroom and every finished attic space;
- An existing acceptable 60 ampere service, or a minimum 100 ampere three (3) wire electric service, must be installed for the dwelling;
- All kitchen countertop receptacles and bathroom receptacles must be ground fault circuit interrupter protected;
- No basement or cellar may be used for habitable bedroom units except by authorization, approval or variance of the City;
- All properties must be supplied with clearly identifiable numbers (minimum of three (3) inches tall) outside the property, in clear view of the street, designating the street number of the property;
- No illegal sewer/water connections, as defined under the applicable City policies;
- The property must be free from peeling or chipped paint
- The property must be free from infestation of insects or vermin.
- The property must have the proper permits, licenses and zoning approvals if being used for anything other than single family owner occupied purposes.
- The property must have a sufficient number of storage containers for solid waste
- Complies w/ Roommate Housing Ordinance or has previously obtained approval and registered as a non-conforming use from said requirement.
- Proof of property insurance or copy of denial letter from qualified insurance company
- Rental properties have off-street parking required by the Zoning Ordinance or have obtained variance from the Zoning Hearing Board
- Copy of valid trash removal contract
- Operational bathroom facilities
- Working heating / mechanical equipment.

The inspector performing the inspection has the right to request assistance from another inspector of the City of Reading including but not limited to a Property Maintenance

Inspector or a Trades Inspector. In evaluating the inspection, the inspector has the right to review records of other City Departments or Divisions

§10-1204. Fees.

1. Residential properties: The fee for a health and safety inspection by a Codes Enforcement Inspector at a residential structure shall be \$150. The buyer or person requesting the inspection shall be responsible for any other associated administrative fees and costs. plus \$50 per unit for each unit in excess of three units up to and including twenty four (24) units.

2. Mixed Residential/Commercial properties: The fee for a health and safety inspection by a Codes Enforcement Inspector at a commercial structure shall be: \$150 for up to 2,000 square feet of commercial space to be inspected and \$50 for each additional 1,000 square feet of space, in addition to the \$150 fee for a residential property, up to three (3) units

2. Recheck or Reinspection - An additional \$250 fee will be charged for more than one scheduled recheck or reinspection at all properties.

3. Cancellation and Rescheduling of Inspection – If the buyer or owner or their representative cannot be available on the date and time of the inspection, including recheck or reinspection, said person shall notify the Codes Enforcement Division in writing of their inability to attend the scheduled inspection in a manner, including mail, facsimile or electronic mail (email), that such notice is received by the Codes Enforcement Division no less than twenty-four (24) hours prior to the scheduled date and time of the inspection. Upon failure to give such written notice or upon failure to gain entry, an administrative fee of Fifty Dollars (\$ 50.00) will be assessed against the buyer or owner failing to supply written notice or appear. For each rescheduling beyond the second rescheduling an administrative fee of One Hundred Dollars (\$100.00) shall be assessed in all cases. Any rescheduling of an inspection requires performance of the inspection within six (6) months of the settlement of transfer of property or execution of sales agreement in the cases of long term, beyond ?? months, sales agreement.

3. All associated fees shall be paid to the Codes Enforcement Division prior to the scheduled time of the inspection. Non-payment shall not preclude performance of an inspection or recheck. In the event of non-payment, the City reserves the right to bill

the buyer or person requesting the inspection and thereafter initiate the appropriate legal action if the bill is not paid. Notwithstanding the foregoing, buyer and seller shall not be prohibited from privately agreeing that buyer will reimburse seller for such fees.

§10-1205 Inspection Report

- A. Report. Upon the completion of a Health and Safety Inspection, a Report setting forth the deficiencies founded during the inspection shall be prepared. The Report shall at a minimum state the following:
 - 1. Address of the Property Inspected
 - 2. Date of Inspection
 - 3. Name, Position (buyer or owner) and Address of Person requesting inspection.
 - 4. Deficiencies Found per requirements of this Ordinance. If no deficiencies are found per this Ordinance it shall be so indicated.
 - 5. Time to Cure Deficiencies.
 - 6. Directive to Cure Deficiencies.
 - 7. Date of Reinspection.
 - 8. Name, Signature and Contact Information for Inspector performing the inspection.
- B. Service. A copy of the report shall be mailed by certified mail, return receipt requested, to the buyer or in the event an inspection is requested prior to transfer of the property to the owner requesting the inspection. A copy of this report shall also be filed in the Codes Enforcement Division.
- C. Validity. A Health and Safety Inspection Report shall be valid for a period of six (6) months. If deficiencies or violations are not corrected within six (6) months of the original inspection, a subsequent inspection may be required to ensure no additional violations or deficiencies have occurred since the initial inspection.

§10-1206 Report Findings

- A. Findings of Deficiencies or Violations. If deficiencies or violations of the requirements of this Ordinance are discovered, they shall be set forth on a Health and Safety Inspection Report. Upon findings of deficiencies or violations of this Ordinance are found, a reinspection of the property shall be scheduled to be performed upon expiration of the time period provided for on the Report to cure, correct or abate the violations. Findings of correction of the deficiencies or violations at the time of the

reinspection, shall result in the issuance of a Health and Safety Compliance Letter. If the deficiencies or violations are not corrected at the time of the reinspection the buyer or owner requesting the inspection, shall submit a Rehabilitation Plan as provided for herein to the City of Reading Codes Enforcement Division. Failure to cure, correct or abate the deficiencies or violations per the submitted and Rehabilitation Plan, subject to penalties and potential condemnation of the property.

- B. No Deficiencies Found. If no deficiencies or violations per this Ordinance are discovered during the Health and Safety Inspection, a Health and Safety Compliance Letter shall be issued by the City of Reading Codes Enforcement Division as stated herein.
- C. Condemnation. Nothing in this Part or Ordinance, shall preclude an Inspector from placarding or condemning a property as unfit for human habitation pursuant to City of Reading Codified Ordinances, if it is determined that the property is unfit for human habitation.
- D. Appeals. If a person disagrees with findings in an Inspection Report, they appeal said findings by requesting a hearing in writing within five (5) days of receipt of the Report addressed to the Manager of Codes Enforcement Division, Rm 1-30 City Hall, 815 Washington Street, Reading, PA 19601.

§10-1207 Rehabilitation Plan.

- A. Plan. A buyer or owner, person requesting inspection, may, in the event they deem they cannot meet the time frames to correct any violations as set forth Health and Safety Inspection Report request in writing from the Codes Enforcement Division a one time extension of the time provided in the Report to cure, correct, abate or remediate deficiencies or violations found during the Health and Safety Inspection. Such request shall specify the reasons for such request(s) and the suggested time frames for such correction(s) or remediation.
- B. Timing. A Rehabilitation Plan shall be submitted in a timely manner to be received by the Codes Enforcement Division (when) ??????????????????. The Codes Enforcement Division shall issue notification of the acceptance or rejection as provided for in this section, to the person requesting the inspection within ?????? days of receipt of the Rehabilitation Plan.

- C. Acceptance of Rehabilitation Plan. If the City of Reading Codes Enforcement Division accepts the Rehabilitation Plan, it shall so notify the buyer or owner, if requesting inspection, that the plan as submitted is accepted and said person is bound by the time periods set forth in the Rehabilitation Plan. The Codes Enforcement Division shall further reschedule the reinspection date of the property to a time after the expiration of the extension period requested in the Rehabilitation Plan. Nothing in this section, shall preclude the City of Reading Codes Enforcement Division from inspecting the property to ensure compliance with the Rehabilitation Plan.
- D. Rejection of Rehabilitation Plan. If not the Rehabilitation Plan is not accepted by the Codes Enforcement Division, the buyer or owner, person requesting inspection, shall be so notified as required herein. The work, curing, abatement, remediation and correction of the deficiencies set forth in the Inspection Report shall be completed within the time frame set forth in the correction directive in the Report.

§10-1208 Health and Safety Compliance Letter

- A. Issuance. Upon determination by Inspector of no findings of violations or deficiencies of this Part, a Health and Safety Compliance Letter shall be prepared and issued to the buyer or owner, person requesting the inspection. The Letter shall be served upon the person requesting the inspection via first class mail and a copy shall be placed in the file in the Codes Enforcement Division. The Health and Safety Compliance Letter shall state that as of the date of issuance of the Letter the property complied with this Ordinance. The Letter shall not be meant to be nor interpreted that the property is in compliance with all City of Reading Codified Ordinances.
- B. Validity of Compliance Letter. A compliance letter issued per this Part shall be valid for a period of six (6) months from date of issuance. The date of issuance shall be the date set forth on the top of the letter issued by the Codes Enforcement Division.
- C. Request for Extension. The person requesting an inspection may submit to the City of Reading Codes Enforcement Division in writing a request for an extension of time of the validity of the Health and Safety Compliance Letter.

1. Timing. A request for an extension of the validity of a Health and Safety Compliance Letter must be submitted in a manner to be received by the Codes Enforcement Division no later than **?????** days prior to the expiration, six (6) months after issuance, of the Compliance Letter.
 2. Response. The City of Reading Codes Enforcement Division at its discretion may approve or reject a request for an extension of the time period for the validity of a Health and Safety Compliance Letter. The Codes Enforcement Division shall notify the person requesting the extension of its decision to accept or reject their request within **????** days of receipt of request as evident by the time stamp of the City of Reading Codes Enforcement Division acknowledging receipt. Said notice shall be mailed via first class mail to the person requesting the extension. If the request is rejected, an inspection must be requested and performed as required by this Ordinance upon expiration of the validity of the Compliance Letter if necessary to comply with this Ordinance.
- D. Code Compliance Letter. If a property being sold is a rental unit which has undergone a full rental inspection per the City of Reading Codified Ordinances within six (6) months of transfer of the property and a letter has been issued by the City of Reading Codes Enforcement Division stating that the property is Code Compliant, a property is not required to undergo a Health and Safety Inspection. The buyer may request a Health and Safety Compliance Letter based on the Code Compliance Letter.

§10-1208 Certificate of Occupancy. Upon receipt of Health and Safety Compliance Letter, an owner, including a buyer subsequent to transfer, may request from the Codes Enforcement Division a Certificate of Occupancy. Said Certificate of Occupancy shall state the authorized use of said property.

§10-1209 Permits. If permits are required to perform work to cure, correct, abate or remediate any deficiencies or violations noted on the Health and Safety Inspection Report, the buyer or owner, person requesting the inspection, shall be responsible to obtain or ensure obtaining of any and all permits required to perform such work.

§10-1210. Non Exclusive Inspection.

At any time after the receipt of the report, the Codes Enforcement Division may undertake such further actions or inspections as it deems appropriate consistent with

the applicable Ordinances of the City of Reading including, but not limited to, a full inspection for any applicable codes compliance and/or the issuance of a correction directive based upon the report to repair or remediate or otherwise correct any deficiencies indicated in the report within such time as may be set forth in the correction directive.

Further, the performance of a Health and Safety Inspection shall not remove a property from the schedule of routine inspections of rental properties in the City of Reading as conducted per the City of Reading Property Maintenance Code.

Nothing in this Part, shall preclude the performance of an inspection upon receipt of a complaint of violation of the City of Reading Codified Ordinances regarding the subject property.

§10-1211 Enforcement. This Part shall be enforced under the jurisdiction of the City Codes Enforcement Division. Enforcement is delegated to the Codes Enforcement Division.

§10-1212 Regulations and Forms. The Codes Enforcement Office is hereby authorized to establish regulations, consistent with the provisions of this Part, to prepare and distribute forms to implement this Part and to set such criteria and provide for the qualifications and training as to applicable City ordinances and regulations of certified inspectors and to do any and all other acts as are necessary to implement the terms of this Part.

§10-1213 Violations. Any person who shall violate a provision of this Ordinance, or who shall fail to comply with any of the requirements thereof or any amendments thereof shall be subject to a charge of summary offense and the fines set forth herein.

§10-1214 Penalties.

1. Failure to sign and submit an Agreement: \$500 and eviction from property if owner refuses take corrective actions.
2. Failure to submit to an inspection: \$1000 and eviction from dwelling.
3. Failure to correct deficiencies per the Repoart and/or within the terms of the rehab plan: \$1000 and eviction from dwelling.

§10-1215 Other Causes of Action.

Nothing in this section shall preclude the City of Reading Code Enforcement Official instituting the appropriate proceeding

at law or in equity, to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

§10-1216 Liability of City/Buyer/Inspector.

1. The issuance of a review report is not in any way a representation or guarantee by the City or the City Inspector that the property is without violations or in compliance with the applicable ordinances and codes. Any such review shall not be deemed a "codes" inspection" and is intended solely for the use of the City and is not intended to replace or supplement any private inspection of the condition of the property as may be deemed desirable by the property owner or other entities.
2. Neither the enactment of this Part nor the preparation and delivery of any document pursuant hereto shall impose any liability upon the City inspector or any errors or omissions contained in any report nor shall the City, City inspector bear any liability not otherwise imposed by law. The owner of any property shall remain wholly liable for compliance with the City's Property Maintenance Code, Trades Codes, the Zoning Ordinances and any and all other applicable ordinances of the City.
3. Nothing herein shall be deemed to prevent a buyer and seller from entering into an agreement between them that the seller will reimburse buyer for or undertake the cost of any necessary renovations or repairs to make the property compliant with the City Property Maintenance Code or other ordinances.

BILL NO. _____

AN ORDINANCE

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, CHAPTER 1 ADMINISTRATION AND GOVERNMENT, PART 1 ADMINISTRATIVE CODE, H. DEPARTMENT ORGANIZATION, SECTION 1-182 CHART.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 1 Administration and Government, Part 1 Administrative Code, H. Department Organization, Section 1-182 Chart shall be and is hereby amended and shall hereafter be set forth as shown in Exhibit A attached hereto and made a part hereof.

SECTION 2. All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 1 which are contrary to the amended chart attached as Exhibit A are hereby repealed; otherwise all other parts, sections, etc. of said Code and Chapter shall remain in effect unchanged and likewise are ratified.

SECTION 3. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2008

President of Council

Attest:

City Clerk

EXHIBIT A

BILL NO. _____-2008

AN ORDINANCE

AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS REQUIRED TO EFFECTUATE THE TRANSFER OF OWNERSHIP OF PREMISES KNOWN AS 1019-1021 PENN STREET, 1016, 1022 AND 1028 COURT STREET, READING, BERKS COUNTY, PA FROM ST. JOSEPH HOSPITAL TO THE CITY OF READING.

WHEREAS, the City of Reading is interested in acquiring ownership of property known as 1019-1021 Penn Street, 1016, 1022 and 1028 Court Street, Reading, Berks County, Pennsylvania (Mapped PIN # 5317-77-00-7358; 5317-77-00-7395; 5317-77-00-7434; 5317-77-00-7498; and 5317-77-00-8414 respectively); and

WHEREAS, the owner of said property is St. Joseph Hospital, which is willing to convey said premises for a sum certain of \$125,000; and

WHEREAS, the City of Reading finds that acquisition of subject premises pursuant to said condition is acceptable.

NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

1. **SECTION 1.** The Mayor is authorized to execute any and all documents required to effectuate the transfer of the ownership of premises known as 1019-1021 Penn Street, 1016, 1022 and 1028 Court Street, Reading, Berks County, Pennsylvania, from St. Joseph Hospital, to the City of Reading for the purchase price of \$125,000.

SECTION 2. This Ordinance shall be effective ten (10) days after passage and approval by the Mayor.

Enacted _____, 2008

President of Council

Attest:

City Clerk

City of Reading City Council

Brief

Agenda Item: Portable Home Storage Units Ordinance **From:** Linda A. Kelleher,
City Clerk

Briefing No.: Jen Conway, Intern
Date: January 31, 2008

SUBJECT: Portable Home Storage Units Ordinance

SUMMARY: In order to better preserve the public health and safety of the citizens of the City of Reading, it has become necessary to enact an ordinance to address the growing problem of the permitting and placement of Portable Home Storage Units or PHSUs on residential properties. These units, which are portable sheds placed on residential property intended to be used for the loading and temporary storage of materials, have been identified by the Traffic Engineering Department of the City of Reading as a growing issue that must be addressed in order to prevent the problem from escalating. This issue was researched by the City Clerk. Excellent examples of such an ordinance were obtained from Middletown Township in Bucks County, PA and Ridley, PA. Current City law does not provide for a specific regulation of the Portable Home Storage Units, therefore it is in the best interest of the citizens of the City of Reading to enact this Ordinance so that a clear understanding of the protocol and stipulations relative to the placement of PSHUs is specified and understood.

The Portable Home Storage Units Ordinance provides for the following:

- Allows individuals to apply for a 5-day permit costing \$25 for placement of a Portable Home Storage Unit (PHSU) on a residential property
- A 2-day renewal of such permit, with a \$10 fee
- A limit of 2 permits per resident requesting such a permit
- Specifications as to the locations at which such units may be placed, including off-street and on-street parking
- Limitation on the number of units permitted on a residential property at any one time
- Penalties for the violation of this ordinance
- Specification of those who are authorized to enforce this Ordinance

ATTACHMENTS: Portable Home Storage Units Ordinance
BILL NO. _____ **-2008**

AN ORDINANCE

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF READING BY ADDING TO CHAPTER 10 – HEALTH AND SAFETY AND CREATING PART 15- THE REGULATION AND LIMITATION OF PORTABLE HOME STORAGE UNITS ORDINANCE.

WHEREAS, the City of Reading is duly empowered by the City Code to enact certain regulations relating to the public health, safety and welfare of the citizens of the City of Reading; and

WHEREAS, the City of Reading has determined that certain regulations are required to address the location, licensing, storage regulation and placement of Portable Home Storage Units at residential parcels within the City; and

WHEREAS, the City finds that the Amendment of Chapter 10 of the Code of the City of Reading, to provide for certain regulations for the off-street and on-street parking of Portable Home Storage Units is in the best interest of the residents of the City of Reading.

THEREFORE, THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the Codified Ordinances of the City of Reading by adding to Chapter 10 – Health and Safety, Part 15 – The Regulation and Limitation of Portable Home Storage Units Ordinance.

SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2008

President of Council

Attest:

City Clerk

BILL NO. _____ **-2008**

AN ORDINANCE

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES FEE SCHEDULE BY INCREASING CERTAIN PARKS AND RECREATION FEES.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the Codified Ordinances Fee Schedule by increasing the fees contained in the Parks and recreation Section as follows:

FIELD HOUSE RENTAL CHARGES

	<u>CITY RESIDENT</u>		<u>NON RESIDENT</u>	
<u>BAER</u>	\$50	\$75.00	\$60	\$100.00
<u>KEFFER</u>	\$50	\$75.00	\$60	\$100.00
<u>PENDORA</u>	\$50	\$75.00	\$60	\$100.00

** ALL PRICES ARE UP TO 6 HOURS ONLY**

DEPOSIT ON ALL RENTALS IS \$50.00

GYMANASIUM RENTAL

	<u>2 TO 3 HOURS</u>		<u>4 TO 6 HOURS</u>	
<u>11TH & PIKE</u> {60 X 32}	\$100	\$125.00	\$125	\$150.00
<u>3RD & SPRUCE</u> {70 X 105}	\$150	\$175.00	\$200	\$225.00

PAVILION RENTAL

	<u>CITY RESIDENT</u>		<u>NON RESIDENT</u>	
<u>SCHLEGEL</u>	\$25	\$35.00	\$35	\$40.00
<u>PENDORA</u>	\$25	\$35.00	\$35	\$40.00
<u>3RD & SPRUCE</u>	\$25	\$35.00	\$35	\$40.00

EGELMAN'S PAVILION

	<u>CITY RESIDENT</u>		<u>NON RESIDENT</u>	
<u>LARGE</u>	\$40	\$50.00	\$50	\$60.00

** ALL PRICES ARE UP TO 6 HOURS ONLY**

CITY PARK BANDSHELL

\$150 \$175.00 FOR UP TO 6 HOURS

** ALL PRICES ARE UP TO 6 HOURS ONLY**

PAGODA RENTAL

<u>CITY RESIDENT</u>	\$60	\$100.00
<u>NON RESIDENT</u>	\$70	\$125.00

** ALL PRICES ARE UP TO 6 HOURS ONLY**

BALL FIELDS

** PRICES ARE BASED ON 2 HOURS OF USE**

<u>UNTIL 8PM</u>	\$10— \$15.00
<u>UNTIL 10PM</u>	\$15 \$20.00

EQUIPMENT FEES

DEPOSIT

TABLES	\$4.00per	\$25.00
CHAIRS	\$1.00per	\$25.00
BENCHES	\$4.00per	\$25.00
<u>STAGE</u>	<u>SMALL</u>	<u>LARGE</u>
CITY RESIDENT	\$175.00	\$250 \$275.00
NON RESIDENT	\$200.00	\$300.00
<u>SHOWMOBILE</u>	\$300 \$350.00	
<u>BARRICADES [per 4]</u>		<u>DEPOSIT</u>
CITY RESIDENT	\$2.50	\$10.00
NON RESIDENT	\$3.50	\$10.00
<u>BINGO CAGE</u>		<u>DEPOSIT</u>
CITY RESIDENT	\$10.00	\$25.00
NON RESIDENT	\$15.00	\$25.00
<u>PA SYSTEM</u>		<u>DEPOSIT</u>
CITY RESIDENT	\$50.00	\$100.00
NON RESIDENT	\$55.00	\$100.00
<u>PICNIC KIT</u>		
CITY RESIDENT	\$20.00	\$25.00
NON RESIDENT	\$25.00	\$25.00
<u>BLEACHERS</u>		<u>DEPOSIT</u>

(PER DAY)]

SMALL	CITY RESIDENT	\$100.00	\$100.00
	NON RESIDENT	\$150.00	\$150.00
LARGE	CITY RESIDENT	\$200.00	\$200.00
	NON RESIDENT	\$250.00	\$250.00

POP CORN MACHINE

DEPOSIT

CITY RESIDENT	\$50.00	\$25.00
NON RESIDENT	\$55.00	\$25.00

SECTION 3. REPEALER. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective ten (10) days after its adoption and approval by the Mayor, or override of the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2008

President of Council

Attest:

City Clerk

B I L L N O. _____ 2008

A N O R D I N A N C E

AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES CHAPTER 6 CONDUCT BY CREATING A NEW PART 8 SOLICITATION, REQUIRING A PERMIT FOR SOLICITATION AND CANVASSING TO PROTECT THE SAFETY, HEALTH AND WELFARE OF THOSE WHO LIVE AND VISIT THE CITY OF READING.

Whereas, there is no absolute right under the United States Constitution to enter on the premises of another and police powers permit reasonable regulation for health and safety, and

Whereas, unlicensed solicitation and canvassing by unregistered solicitors creates health and safety hazards for City residents and visitors and exposes residents and visitors to fraudulent solicitors, and harms legitimate charities; and

Whereas, the City of Reading City Council enacts this legislation to provide reasonable and fair regulation for solicitation and canvassing to protect residents and visitors against crime and undue annoyance.

**NOW THEREFORE, THE CITY OF READING CITY COUNCIL HEREBY ORDAINS
AS FOLLOWS:**

CHAPTER 6 – PART 8 SOLICITATION AND CANVASSING

SECTION 6-801 PURPOSE .

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, and general welfare by regulating solicitation, canvassing and other charitable events where contributions are sought. Solicitors are put at risk by entering the roadway and also put drivers and other pedestrians at risk. The citizens and visitors of Reading County are subject to unregulated solicitation by sometimes questionable organizations or solicitations in a hazardous manner or location. It is the purpose of this Ordinance to regulate solicitation and canvassing in the City of Reading to protect the public health, safety and welfare.

SECTION 6-802 DEFINITIONS

A. Definitions. The following words as used in this Ordinance shall have the following meanings:

1. *Applicant* shall mean the charitable organization seeking a permit.
2. *Canvassing* shall mean to go through (a region) or go to (persons) to solicit votes or orders; to conduct a survey (public opinion) or poll; to conduct an uninvited detailed discussion; to solicit voters, orders, or opinions.
3. *Charitable Organization* means organizations which are qualified under Section 501(c) of the Internal Revenue Code of 1986, as amended; Pennsylvania registered non-profit corporations; churches; and public and private schools. Charitable organizations must also either be registered with the Commonwealth of PA Secretary of State under or have proof of exemption from such registration under applicable PA Statutes.
4. *Chief or Chief of Police* shall mean the Chief of the City of Reading Police Department or his designee
5. *Event* means any charitable solicitation within the City.
6. *Event Permit* means a permit issued pursuant to this Ordinance to conduct an event.
7. *Organizer* means the person responsible for organizing the event and whose name shall be on the application and the people who will be performing the soliciting and/or canvassing activities..
8. *Permit* shall mean an event permit.
9. *Solicitor* means any person who engages in solicitation.
10. *Solicitation or Charitable Solicitation* means the act of asking for employment, business or contributions on a public road, street, highway, right-of-way, sidewalk or other public property from the occupant of any vehicle or any pedestrian.
11. *Travel Lanes* means the marked lanes on a road or highway, or the lanes of travel for vehicles, including turn lanes, access lanes, and acceleration or deceleration lanes.

SECTION 6-803 RESTRICTIONS

A. Solicitation Restricted. The City of Reading prohibits any person from standing or entering on a highway or public street in the City for the purposes of soliciting employment, business solicitations, contributions, and/or canvassing any occupant of any vehicle or any pedestrian without a permit. Solicitation shall only be allowed by charitable organizations with a permit, under the terms of this Ordinance. It shall be a violation of this Ordinance to engage in solicitation without a permit, or otherwise not in accordance with the terms of this Ordinance and the permit.

B. Permit Required. No charitable organization is allowed to engage in solicitation on any public street or highway in the City without first obtaining an event permit. Persons, businesses and organizations that are not charitable organizations as defined in this Ordinance are not eligible to receive a permit for solicitation. An event permit shall be obtained from the Chief of Police or his designee. An event permit is not required for

any event sponsored or conducted by City of Reading or its departments and agencies, nor by any municipality or government agency in the City, such as fire-fighter or police department fundraisers or other similar collections.

SECTION 6-804 PERMIT REQUIREMENTS

A. Permit Application. All requests for a permit must be provided to the Chief of Police or his designee at least five (5) business days but no more than sixty (60) calendar days prior to the date of the requested activity. The Chief of Police or his designee shall issue a decision within three business days of the application being filed. The Chief of Police, for good cause shown, shall have the authority to consider any application under this section which is filed less than five business days before the date such event is proposed to be conducted, provided the Chief of Police or his designee shall have adequate time to conduct the investigation. An application and permit shall be required for each event, provided however only one (1) application and permit shall be required for each proposed event.

B. Required Information. All applications for permits must include at a minimum the following information, and shall be signed by the Organizer(s):

1. Name and address of charitable organization, including headquarters address and address of the local or closest branch office;
2. Type of organization and certification, if listed below. The organization must be one of the following types to apply for a permit:
 - a. Organization qualified under Section 501(c) of the Internal Revenue Code of 1986, including certification from IRS; and
 - b. Non-profit corporation registered in the Commonwealth of Pennsylvania, including certification from Secretary of State; and
 - c. Name of Church Organization; or

- d. Public or private school;
- 3. Name of Organizer(s) who will be soliciting or canvassing during the permitted activity or function, and address, height, weight, age, sex, race, and social security number of each organizer for background check purposes;
- 4. Photocopy of driver's license or other official photo identification of each Organizer;
- 5. Description of the proposed solicitation activity, and purpose for activity (i.e., use of funds);
- 6. Specific location(s) for solicitation activity, including specific intersections, and number of solicitors at each such location;
- 7. Dates and times of solicitation activity;
- 8. Names of all participants proposed to be solicitors, and their ages;
- 9. If any solicitors are under 18, the names and addresses of adult supervisors; one adult supervisor per four solicitors under age 18 is required;
- 10. If the event is to be held on behalf of any person or organization other than the applicant, a communication in written form from that person or organization authorizing the applicant to apply for the permit;
- 11. The application shall contain a statement that the submission of the application shall be considered to be consent by the organizer(s), the charitable organization, and the officers of the organization for a background check to be run by the Chief of Police at his discretion on any person named on the application, and a statement that all information contained thereon is true and correct; and
- 12. Any additional information the Chief of Police may find reasonably necessary for a fair determination as to whether the proposed event will endanger public health, safety or welfare.

D. Organizer. A minimum of one organizer is required for an event. No more than five persons shall be designated organizers for any event. The organizer(s) are required to be at the event in person at all times. There shall be one organizer for each location where solicitation is occurring. All events shall be conducted under the supervision of a person or persons making application for same (the organizer) and shall be conducted in a peaceable and orderly manner in compliance with the laws and ordinances applicable thereto.

E. Permit Onsite. The signed permit is to be kept on-site and in the possession of all organizers at all times that solicitation is underway. If multiple locations are involved, a permit copy shall be kept at each location by each organizer. Permits shall be displayed at the request of any citizen or law enforcement personnel.

F. Fees. An application shall be accompanied by an application fee of \$50 to cover the administration of this part. If the permit application is denied, the \$50 permit fee shall be refunded. These fees may be raised from time to time by the City of Reading City

Council. The Chief or Police shall have the authority to waive or reduce the fees on a case-by-case basis.

SECTION 6-805 INVESTIGATION AND ISSUANCE

A. Investigation. The Chief of Police or his designee shall review the application for completeness and compliance with the terms of this Ordinance. The Chief shall check if the charitable organization is registered with the Secretary of State, or is exempt under Pennsylvania Statutes. The Chief shall determine whether there are any records of complaints against the applicant or organizers in the records of the Police Department or the NCIC crime database system. The Chief may, at his discretion, conduct a background check of the organizers or corporate officers, or any other person named on the application. The Chief may, at his discretion, make any other inquiries he deems necessary for the investigation of the applicant or the organizers.

B. Decision. The Chief may grant, deny, or grant a restricted permit. The Chief shall issue a permit as provided in this Ordinance from a consideration of the application and from such information as may otherwise be obtained, unless he finds that any or all of the following apply:

1. The conduct of the event will substantially interrupt the safe and orderly movement of traffic;
2. The conduct of the event will substantially interrupt the safe and orderly movement of fire fighting equipment en route to a fire, or other emergency services;
3. The applicant or any organizers or participants have any criminal complaints pending against them, or have a criminal record involving crimes of theft, fraud, or other moral turpitude;
4. The applicant is not a qualifying charitable organization or is otherwise not a legitimate organization;
5. The Chief has reason to believe the event is a fraud or sham;
6. If a charitable organization required to be registered with the Secretary of State of the Commonwealth of Pennsylvania, and it is not so registered;
7. The conduct of the event is contrary to the public's health, safety or general welfare; or
8. The application was not complete, or the application or permits requested are not fully in compliance with the requirements of this Ordinance.

The Chief shall indicate on the application review form all reasons for rejection of the application.

C. Restrictions. The Chief shall indicate on the permit the permitted activities, locations, and times of the event. The Chief may approve a smaller or shorter event than requested, may reduce the number of solicitors, may approve a different location, or

may generally make any other adjustments he believes necessary to the application to serve the public health, safety and welfare.

D. Non-Content Based Review. The content of the message of any applicant, their beliefs, the identification of the participants, or any other matter which does not directly impact on the public health, safety, and welfare, shall not be relevant to the determination of whether to grant or deny a permit.

SECTION 8-606 APPEALS

A. Appeals. Any person aggrieved by the denial or restriction of a permit shall have the right to appeal the denial or restriction to the City of Reading City Council. A written appeal shall be filed with the City Clerk within ten (10) days after the denial or restriction is received.

B. Procedure. The Chief shall appear and present his case and evidence as to why the application was denied. The applicant shall have the opportunity to present its case and evidence in support of the application. The hearing shall be conducted as a evidentiary proceeding.

C. Standard of Review. City Council, keeping in mind the purpose of this Ordinance, the substantive provisions, and giving deference to the judgment of the Chief, shall make a determination as to whether the denial or restriction was lawful and in the interests of the public health, safety and welfare, or whether the permit should be issued or modified. If the latter, City Council shall enter an order providing guidance as to the location, time, persons, and other criteria of this Ordinance. City Council shall render a decision within ten (10) days after the hearing.

SECTION 6-807 SOLICITATION REGULATIONS; LOCATIONS AND TIMES

A. Prohibited Times. No solicitation shall be allowed before 9:00 a.m. or after 8:00 p.m. Sunday through Saturday.

B. Locations. Solicitors are required to stay on sidewalks or otherwise out of the street. Solicitation from travel lanes is not permitted. When all vehicles are stopped at an intersection, solicitors may approach cars to receive donations if the occupants have indicated they seek to make a donation. Walking along a line of cars shall only be permitted if the solicitor stays out of the travel lanes. No more than one organization may solicit at the same intersection at the same time. An event may occur at more than one location or intersection on the same day.

C. Duration. An event may last no longer than two days. A separate permit shall be required for each additional event (i.e., six days would require three permits).

D. Solicitors under 18. All charitable organizations which are permitted to solicit funds must have one adult supervisor over the age of twenty-one for every four persons under the age of eighteen.

E. Peddling. Peddling shall not be allowed without a Transient Vendors License, located in the City's Code of Ordinances, Chapter 13, Part 3.

SECTION 6-808 EXEMPTIONS.

Recognized youth organizations and individuals running for elected office are exempted from this terms of this Chapter.

SECTION 6-809 VIOLATIONS, ENFORCEMENT

A. Persons soliciting without a permit or in violation of the permit shall be cited with a citation for prosecution in the Magistrate District Judges Court, in accordance with the requirements of law for such citations. All City of Reading Police Officers are authorized to issue such citations.

B Any person, organization, business or entity violation the provisions of this Ordinance is subject to a fine of up to one thousand dollars (\$1,000.00) per day per violation per individual participant. The minimum fine shall be \$100.00 per day per violation per individual participant.

C. Any violation of this Ordinance shall immediately revoke the permit. The Chief of Police shall also have the discretion to revoke the permit upon charge of violation being made, or upon awareness of illegal or unauthorized activity, if revocation is required in the best interests of public health, safety and welfare.

D Any person, organization, business or entity found guilty of violating this Ordinance may not be issued a permit for a two-year period from the date of the violation. Upon second offense, the person, organization, business or entity found guilty of violating this Ordinance shall be banned from further solicitation in the City of Reading.

E. The City Solicitor shall be authorized to seek injunctive relief and other relief in a court of competent jurisdiction if necessary to effectuate the intent of this Ordinance. The City shall be entitled to seek civil fines in the amounts specified above, and shall be entitled to its attorney's fees for any successful action.

SECTION 6-810 SEVERABILITY

If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, or if any provision of any part of this Ordinance as applied to any particular situation or set of circumstances be declared invalid, or unconstitutional, such invalidity shall not be construed to affect the remaining portions of this Ordinance not so held to be invalid, or the application of this Ordinance or other circumstances not so held to be invalid.

SECTION 6-811 REPEALER

This Ordinance repeals any prior ordinance or resolution in conflict herewith, except to the extent that said ordinance or resolution is more restrictive than this Ordinance, in which case that ordinance or resolution shall control.

Enacted by Council _____, 2008

President of Council

Attest:

City Clerk



AGENDA MEMO

MANAGING DIRECTOR

TO: President Spencer and Members of the City Council

FROM: Leon Churchill, Managing Director

MEETING DATE: February 11, 2008

AGENDA MEMO DATE: February 6, 2008

RECOMMENDED ACTION:

To approve an Ordinance presented by the Administration relating to the annual salary for Charles Younger, City Solicitor, for the City of Reading.

RECOMMENDATION:

It is the recommendation of this Administration to increase the salary for the City Solicitor to \$68,002.20 (2.8%) percent increase, effective upon his anniversary date. The performance evaluation supporting this recommended action was conducted as per our City Ordinance No. 22-2002, which provides for a performance review of department heads to be completed by the Managing Director.

BACKGROUND:

It is this Administration's position to make the salary level for all department directors as equitable and fair as possible.

Some of the projects Mr. Younger completed were the drug forfeiture case legal support, housing permit ordinance, his staff addition of the legal specialist and the office expansion.

Mr. Younger and his staff lead the legal support initiative that focused upon Eminent Domain in the areas of research, compilation of sample court documents, and reviewed the Zoning Classifications for A, B, and C that were not formally integrated.

BUDGETARY IMPACT:

The increase amounts to \$1,852.20. Funds are available in the City's General Fund in the Law Department budget in various accounts.

PREVIOUS ACTION:

Not applicable.

SUBSEQUENT ACTION:

Not applicable.

RECOMMENDED BY:

The Mayor and Managing Director

RECOMMENDED MOTION:

Increase the present salary of the City Solicitor to \$68,002.20.

B I L L N O . _____

AN ORDINANCE

AN ORDINANCE INCREASING THE SALARY OF THE CITY SOLICITOR, CHARLES D. YOUNGER, IN ACCORDANCE WITH SECTION 706. OF THE CITY OF READING HOME RULE CHARTER AND BILL NO. 22-2002 WHICH ESTABLISHED A PROCEDURE FOR CITY COUNCIL TO PROVIDE ANNUAL INCREASES TO THE CITY'S DEPARTMENT DIRECTORS.

WHEREAS, Charles D. Younger, was confirmed, by City Council, as the City's Solicitor on January 10, 2005; and

WHEREAS, City Council passed Bill No. 22-2002, on June 24, 2002, which states that a Department Director shall receive an annual salary adjustment based upon a performance evaluation; and

WHEREAS, Charles D. Younger, received a performance evaluation which is satisfactory, meeting motivational standards, he is entitled to a salary increase to \$68,002.20 (2.8% merit) effective January 10, 2008.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. COMPENSATION.

The salary of the City Solicitor, Charles D. Younger, shall be increased to \$68,002.20 per annum effective January 10, 2008.

SECTION 2. REPEALER.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE.

This ordinance shall become effective 10 days after its adoption in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2008

President of Council

BILL NO. _____

AN ORDINANCE

AN ORDINANCE AMENDING 1-271 OF THE CITY OF READING PERSONNEL CODE (Salary Administration) BY AMENDING THE SALARY RANGE FOR THE CHIEF OF POLICE.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Section 1-271 (8) of the City of Reading Codified Ordinances (Personnel Code) shall be amended to read as follows:

- (a) Managing Director- the Managing Director of the City of Reading shall be compensated at an annual salary of no less than \$90,000 and no more than \$120,000.
- (b) Chief of Fire and Rescue Services- the Chief of the Department of Fire and Rescue Services for the City of Reading shall be compensated at an annual salary of no less than \$60,000 and no more than \$75,000.
- (c) **Chief of Police- the Chief of Police for the City of Reading shall be compensated at an annual salary of no less than \$80,000 and no more than \$110,000.**
- (d) Public Works Director- the Director of the Department of Public Works of the City of Reading shall be compensated at an annual salary of no less than \$70,000 and no more than \$85,000.
- (e) Finance Director- the Director of the Department of Finance for the City of Reading shall be compensated at an annual salary of no less than \$60,000 and no more than \$75,000.
- (f) Human Resources Director- the Director of the Department of Human Resources of the City of Reading shall be compensated at an annual salary of no less than \$75,000 and no more than \$100,000.
- (g) City Solicitor- the director of the Legal Department for the City of Reading shall be compensated at an annual salary of no less than \$60,000 and no more than \$75,000.
- (h) Community Development Director- the Director of the Department of Community and Economic Development for the City of Reading shall be compensated at a salary of no less than \$55,000 and no more than \$85,000.

SECTION 2. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. This Ordinance shall become effective immediately.

Enacted by Council_____, 2008

President of Council

Attest:

City Clerk



AGENDA MEMO

MANAGING DIRECTOR

TO: President Spencer and Members of the City Council

FROM: Leon Churchill, Managing Director

MEETING DATE: February 11, 2008

AGENDA MEMO DATE: February 6, 2008

RECOMMENDED ACTION:

To approve an Ordinance presented by the Administration relating to the annual salary for William Heim, Police Chief, for the City of Reading.

RECOMMENDATION:

It is the recommendation of this Administration to increase the salary for the Police Chief to \$108,957.00 (4%) percent increase, effective upon his anniversary date. The performance evaluation supporting this recommended action was conducted as per our City Ordinance No. 22-2002, which provides for a performance review of department heads to be completed by the Managing Director.

BACKGROUND:

It is this Administration's position to make the salary level for all department directors as equitable and fair as possible.

Part of Chief Heim's accomplishments are:

Crime Rate Part 1 crimes decreased approximately 20%, lowest total in 20 years

Targeted Crime Rate decreased 30%, three times the goal of 10%. Homicides (6) were lowest in 20 years.

Further implementation of police reorganization including central processing, increased districts, a total of 23 positions returned to patrol platoons, including five added by a grant.

Obtained grant for five additional police officer positions

Streamlined Civil Service Process, going from a two year application deadline to certified list process to a six month process.

Secured \$72,185 in private foundation funding for canine unit

Assisted in updating the city's bottle Club Ordinance.

Lobbied ATF and brought gun crime identification and enforcement seminar to Reading. Over 80 officers attended, 28 of them from Reading police. The training immediately led to an increase in gun arrests and seizures.

Worked with Chamber of Commerce to involve police officers in a series of planning and communication meetings to exchange ideas for a safer and more vibrant Reading.

Wrote new policy regarding warrants being signed without appearing before a judge, resulting in reduced overtime and officer's waiting around needlessly. Wrote new policy concerning officer involved shootings and the return of officer's firearm. Wrote guidelines for central processing.

Turned over warrant administration to Sheriff's office, freeing up one sergeant position for operational duty at no additional cost, a position not in the original plan.

Wrote grant, made arrangements, and sponsored and attended a two day police patrol scheduling seminar attended by about 22 officers from the city and county. Two managers and two FOP members attended in hopes of devising new schedule

Created lesson plan and delivered two day problem oriented policing training to 28 Reading Police sergeants.

Created one day lesson plan to be delivered to at least 75 Reading police officers in 2008.

Attended and participated in 17 neighborhood meetings

Engaged in 28 presentations to the community, including service clubs and organizations, special events, community television shows and monthly WEEU radio show.

BUDGETARY IMPACT:

The increase amounts to \$4,190.64. Funds are available in the City's General Fund in the Police Department budget in various accounts.

PREVIOUS ACTION:

Not applicable.

SUBSEQUENT ACTION:

Not applicable.

RECOMMENDED BY:

The Mayor and Managing Director

RECOMMENDED MOTION:

Increase the present salary of the Police Chief to \$108,957.00.

BILL NO. _____

AN ORDINANCE

AN ORDINANCE INCREASING THE SALARY OF THE POLICE CHIEF, WILLIAM M. HEIM, IN ACCORDANCE WITH SECTION 706. OF THE CITY OF READING HOME RULE CHARTER AND BILL NO. 22-2002 WHICH ESTABLISHED A PROCEDURE FOR CITY COUNCIL TO PROVIDE ANNUAL INCREASES TO THE CITY'S DEPARTMENT DIRECTORS.

WHEREAS, William M. Heim, was confirmed, by City Council, as the City's Police Chief on January 23, 2006; and

WHEREAS, City Council passed Bill No. 22-2002, on June 24, 2002, which states that a Department Director shall receive an annual salary adjustment based upon a performance evaluation; and

WHEREAS, William M. Heim, received a performance evaluation which is satisfactory, meeting motivational standards, he is entitled to a salary increase to \$108,957.00 (4% merit) effective January 23, 2008.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS

SECTION 1. COMPENSATION.

The salary of the Police Chief, William M. Heim, shall be increased to \$108,957.00 per annum effective January 23, 2008.

SECTION 2. REPEALER.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE.

This ordinance shall become effective 10 days after its adoption in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2008

President of Council

B I L L N O. _____ 2008
A N O R D I N A N C E

**AN ORDINANCE PROVIDING A COST OF LIVING INCREASE TO OFFICERS
AND EMPLOYEES PENSIONERS RETIRING BEFORE 2002.**

SECTION 1. Providing a Cost of Living increase for Officers and Employees Pensioners retiring before 2002 , as approved at the December meeting of the Officers and Employees Pension Board. Increases will be provided as follows:

- Officers and Employees Pensioners Retiring on or after January 1, 1995 but before January 1, 2002 shall receive a 2% pay increase
- Officers and Employees Pensioners Retiring on or after January 1, 1990 but before January 1, 1995 shall receive a 5% pay increase
- Officers and Employees Pensioners Retiring on or after January 1, 1985 but before January 1, 1990 shall receive a 7% pay increase
- Officers and Employees Pensioners Retiring on or after January 1, 1980 but before January 1, 1990 shall receive a 9% pay increase
- Officers and Employees Pensioners Retiring before January 1, 1980 shall receive a 13% pay increase

SECTION 2. This amendment to the Officers and Employees pension Benefit will be retroactive to January 1, 2008.

SECTION 3. This Ordinance will become effective in ten (10) days when approved in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2008

President of Council

Attest:

City Clerk

RESOLUTION NO. _____

WHEREAS, the Pennsylvania Capital Facilities Debt Enabling Act authorizes funding for eligible economic development capital projects through the Redevelopment Assistance Capital Program (“RACP”); and

WHEREAS, the City of Reading has identified the acquisition and redevelopment of a certain area situate in the vicinity of Second and Washington Streets, Reading, Berks County, Pennsylvania, and known as the “Goggle Works Apartments” project, as eligible for such “RACP” assistance; and

WHEREAS, the “Goggle Works Apartments” project of Goggle Works Apartments, LLC, a subsidiary of Our City Reading, Inc., will provide employment opportunities, promote economic development in the City of Reading and have a regional, multi-jurisdictional impact therein.

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

That the Mayor of the City of Reading is authorized to file an application for “RACP” funds in the amount of \$7.0 million (\$7,000,000.00) for the “Goggle Works Apartments” project and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania.

Adopted by Council _____, 2008

President of Council

Attest:

City Clerk

RESOLUTION NO. _____

WHEREAS, on or about February 27, 2001, the City of Reading entered into a certain Construction and Term Loan Agreement for \$250,000.00 (FRED) with William M. McMahon, Jr., and Judith A. McMahon, his wife, as renovation financing for 230 N. Fifth St., Reading, PA; and

WHEREAS, on or about April 2, 2002, the City of Reading agreed to provide an additional \$100,000.00 to William M. McMahon, Jr., and Judith A. McMahon, his wife, for the 230 N. Fifth St. project; and

WHEREAS, William M. McMahon, Jr., and Judith A. McMahon, his wife, desire to sell subject premises of 230 N. Fifth St., Reading, PA; and

WHEREAS, the Construction and Term Loan Agreement for \$250,000.00 (FRED) and subsequent Mortgage and Term Loan Modification Agreement provide that the the outstanding principal balance shall be immediately due and payable after the date of closing for sale to a third party purchaser; and

WHEREAS, a third party purchaser has expressed interest in purchasing 230 N. Fifth St., Reading, PA, and is willing to assume the balance of any outstanding loan balance owed to the City of Reading by William M. McMahon, Jr., and Judith A. McMahon, his wife; and

WHEREAS, the City of Reading agrees to the assumption the subject loan and outstanding principal balance by a third party purchaser, NOW, THEREFORE

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

That the Mayor of the City of Reading is authorized to enter into and execute any and all documents to effect the assumption by a third party purchaser of 230 N. Fifth St., Reading, Berks County, PA, of the outstanding principal loan balance of William M. McMahon, Jr., and Judith A. McMahon, his wife, owed to the City of Reading and arising from a certain Construction and Term Loan Agreement (2001) and a certain Mortgage and Term Loan Modification Agreement (2002).

Adopted by Council _____, 2007

President of Council

Attest:

City Clerk
(Law)